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No Figures to Figure Things out. Argentina's Struggle against Gender Violence Discussion Paper for UNFPA-SID Meeting On Responses to the Care Crisis, July 28th 2011, Washington. By Ximena Schinca, SID, Buenos Aires Chapter

Latin America remains a hostile place for women. **Around 50 percent of women are subject to different forms of violence**, from economic to sexual and physical aggression. Even given the immensity of the problem, in times of financial crisis, the State tends to consider violence against women as a minor concern.¹ As a result **too often actions to combat violence are left to NGOs that have insufficient resources to deal with its complexity.**

After two decades since VAW was placed on the international human rights agenda there have been considerable **improvements in awareness, understanding and legislation.** However, there continues to be as yet **unmeasured practical barriers to its eradication.** **The lack of statistics reduces the problem to individual tragedies**, making it difficult to generate strategic information, which can inform public policies with a fully nuanced gender approach. Without figures, it is hard to ascertain the depth of the problem and find appropriately far reaching solutions. As a result, the problem persists as an indefinite epidemic, violating women's rights, reproducing impunity, and perpetuating harm in the community. It also carries a heavy economic burden in terms of lost labour productivity and spending in health coverage and court proceedings.

VAW as a violation of human rights also hampers women's care work adding to their daily burdens, insecurity and lack of wellbeing, endangering survival for themselves and their dependants. Better statistics are needed to for appropriate policy and legal redress for today's invisible victims. It is important to listen to their voices and empower them with adequate resources to recover their wellbeing, safety and economic welfare, all of which ensures sustainable human development.

Argentine Law Progress: First Step of a Long Road

Women's rights advocates stirred by the transnational women's agenda have encouraged the Argentinian legislative system to recognize VAW problem. The policy framework provided by the 1994 ICPD Programme of Action 1995 Fourth World Convention on Women Beijing, the Convention on All Forms of Discrimination against Women (CEDAW) and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) have helped place the issue on the national agenda. As a result, there have been significant improvements in terms of laws to identify gender crimes and violence.

A major step was **the Law of Integral Protection for Women.** Enacted in 2009, it determines physical, psychological, sexual, economical and symbolical violence, **putting in writing women's right to live without violence** and promoting the required conditions to prevent, eradicate and sanction discrimination in different forms. The **Women National Council works as the authority** of implementation in charge of designing, planning and monitoring a national plan in the country.

In 2010, **the National Supreme Court opened the Office of Domestic Violence**, and gave the issue relevance at the highest rank of the justice agenda. This office works 24 hours a day and assists women in risk with lawsuits and legal proceedings. In the same direction, the **national campaign "Another life is possible. We have the right to a live without**

¹ The IACHR established that "violence and discrimination against women are accepted practices in the American societies, as evidenced by how officials in the administration of justice systems respond to victims of violence and handle their cases. **The tendency is to regard cases of gender-based violence as domestic disputes** that would be better settled without the State's intervention. The failure to investigate the reported cases is in part a function of discriminatory socio-cultural patterns that discredit women victims and feed the perception that these crimes are not priorities".

violence” works to keep the issue in the public agenda. The **National Observatory of Violence against Women has developed research on symbolic violence** reporting about stereotypes in mass advertising.² Moreover, the National Commission for Actions to Produce Sanctions for Gender Violence has recently been set up to elaborate sanctions and promote public intervention.

Earlier, the creation of **the Victims against Violence Programme (2006) established a significant change to reframe victims’ condition from a passive to an active role.** Naming them as victims <against> instead of victims <of> violence, the programme set a political and symbolical statement of empowerment. In this configuration victims are defending their rights and the state has the responsibility to provide access and legal tools to guarantee their lives without violence. This programme assists women and children victims of violence, sexual exploitation and human trafficking, but it only operates in the main city of the country.

Through these measures **the visibility of gender violence has undoubtedly increased,** encouraging congressional work on the modification of the law against human trafficking, debates on the incorporation of *femicide* into the Criminal Code and the necessity of sanctions. Those projects consider the need for economic, social and psychological support to women who are vulnerable, **but still many of these concerns are not regarded as a priority in the political agenda.** Human rights advocates claim that it will not be a priority unless their efforts are backed up by international organizations. The problem is still judged as affecting a minority of women. **Placing violence against women as a central social issue implies major structural changes in government policy,** social, security and judiciary institutions.

New indicators are indispensable to measure the impact of violence and to bring them into the policy arena. We need figures to figure it out; along with campaigns to listen to women’s experience and needs.

Limits to Law, Limits to Rights, Unlimited Will

Limits to the implementation of the laws make **legislative progress a ‘display of intentions’ difficult to be put into practice,** especially in terms of access to justice, appropriate and timely sanction. These barriers are illustrated in the common scenario in which women who denounce violence are re-victimized by official institutions, so that the women in seeking justice end up experiencing their human rights violated again.

260 women were murdered in Argentina in 2010. Of those 27 had denounced previous attacks. In many cases, the Courts issued a restraining order to keep the aggressor away from the victim. In nine cases, it was presumed that victims were sexual workers or women subjected to trafficking in persons for sexual purposes. Seventeen *femicides* (once known as crime of passion)—not yet a criminal category— were perpetrated by members of the security forces. **Almost 80 percent of the perpetrators belonged to the victim’s close entourage,** and the amount of murdered women increased 12.5 percent in 2010 compared to 2009 figures.

These figures and narratives are not official. They are compiled by an Argentinian NGO formed mostly by volunteers. Jane Caputi and Diana Russell’s concept of femicide was introduced in Argentina by La Casa del Encuentro (2003), an NGO that is working to spread the notion through the media, the public and to have it incorporated into the criminal code, and to remove the most commonly-used term of ‘crime of passion’. La Casa del Encuentro - The Meeting House- is credited for having developed statistics about femicides following press coverage around the country. This means that **femicides not covered by the press are still unknown** or appear as ‘common homicides’ thus losing the gender element. This also implies that the number of women murdered by close relationships could be higher. Recently, **its research team has developed the term of ‘related femicide’** referring to individuals murdered when trying to avoid a femicide or an act of violence against women: victims who are often killed as a form of extreme punishment when the perpetrator considers the woman

² Last report on symbolical violence in Argentine concluded that gender stereotypes are present in 88% of advertisements, while 88% shows gender subordination, and almost 94% expresses beauty as a merchandize. In: http://www.cnm.gov.ar/ovcm/images/stories/Informe_Mayo_2011.pdf

his property. They developed this notion observing that this type of crime is growing in the press stories.³

On the other hand, research by the NGO ELA (Latin-American Equipment of Justice and Gender) shows that 24 Family Courts in Buenos Aires found that, **in most of the cases, women remained with their aggressor because they were in vulnerable situations**, such as precarious housing and work conditions. They argue that **the judiciary system does not have enough resources** to deal with the growing number of cases. The Office of Domestic Violence, linked to the National Supreme Court, has proved that **denouncements have increased from 530 cases in 2010 to 712 in 2011**. It was observed that **46 percent of the cases were high risk, and in 86 percent of the cases, the aggressors were male**.

Collecting the only official statistics, the Supreme Court's office has recently acknowledged the magnitude of the problem in 2010, when it reported that **40 percent of murders of women were the result of domestic abuse**. And according to a survey published by the National Women's Council, **one in three Argentinian women suffer from physical, psychological, sexual or economic abuse in their home**.

However, most of our knowledge of this crisis situation comes from NGOs like La Casa del Encuentro and ELA. The government has increased efforts to identify and assist trafficking and violence victims, but NGOs argue that the resources devoted to these efforts are insufficient compared with the large number of victims. **Services and access are uneven across the country, and inspectors lack training on how to identify risks and aggressors**, even when they have had professional training on the subject. So while authorities encourage victims to assist with the investigation and prosecution of the aggressor, **the lack of protection and accessibility to proceedings re-victimize women** whose claims are often not heard.

In time of crisis, **it is important to strengthen the recent progress in law to ensure women's human rights**, the first of which is protection against violence to enable women to have a life without violence, to maintain their health and well being and to balance their reproductive and productive roles so crucial to care and sustainable human development.

A Channel, a Voice, a Life

NGO services and hot-lines for victims' assistance have reported a significant increase in the number of queries and denounces from women suffering threats from their partners in the last years. A strong political message is vital in order to change attitudes towards sexist gender violence in private and public life. **Figures are needed to back up these realities**. In situation of violence, women face risks that conventional data sources may not capture, as indicators do not reflect gender discrimination, the level of accepted domestic violence, and consequences of violence abuse such as depression, alcohol and drug misuse.

To quantify these elements, **governments need to work in partnership with NGOs and the community from a gender approach**, developing indicators but also providing channels and assistance to the victims and their families, spreading the message about the right to a life without violence, and working on the distinction of the problem in all its level. **The Cairo Review is an important moment to see how the increase of violence against women is impacting women's rights**, and also an opportunity to revise gender impacts and relations of the Care Crisis.

International Reports and Research

International organizations have carried out important research in this respect. The **2007 Access to Justice for Women Victims of Violence in the Americas report by the CIDH** examined "the major obstacles that women encounter when they seek effective judicial protection to redress acts of violence". Among its conclusions, it remarked that "**most cases**

³ Available in www.lacasadelencontro.org

of violence against women are never formally investigated", prosecuted or punished by the administration of justice systems in the hemisphere; and victims and their families are often mistreated when attempting to avail themselves of judicial remedies. "This combination of factors leaves the victims with a sense of insecurity, defenselessness and mistrust in the administration of justice".

Moreover, this report highlighted that "while the failure to process cases involving violence against women quickly and effectively is often attributable to structural, economic and personnel-related factors, the failure to investigate the facts reported and the inefficacy of the justice systems in prosecuting and punishing cases of violence against women is also attributable to discriminatory socio-cultural patterns that influence the behavior of officials at all levels of the judicial branch of government". Female victims are not taken seriously, and officials are disrespectful of the victims and their next of kin during the investigation. This demonstrates that governments must design and strengthen **programs to educate officials about VAW as a serious violation of human rights**. Most researches state that a **real commitment is required of the States -with sufficient financial and human resources-** to apply the current law.

On the other hand, the Convention of Belém do Pará and the 2001 World Bank Report *Engendering Development* established that "**violence affects women in a variety of ways and obstructs their exercise of other basic civil and political rights, as well as economic, social and cultural rights**". Strongly interlinked with care crisis and reproduction of stereotyped roles, it is accepted that women keep being responsible for more of the care work. In this sense, "the inter-American system recognizes that **VAW and its root cause – discrimination- is a serious human rights problem that has negative consequences for women and the community that surrounds them**".⁴

Gender Responsive Indicators towards Equality

Any peace agreement that calls itself 'gender-neutral' is, by definition, discriminatory against women. (Ambassador Donald Steinberg, SID World Congress 2011)

States must consider current actions and policies implemented by civil society and NGOs, as they have developed significant improvements in logistics, assistance and lawsuit. Human rights and women advocates state that **lack of economic independence forces many women to stay in violent relationships**⁵, coerced by their partners who demand women to be responsible for all the family care work and by a labour market that does not offer equal opportunities, pushing women to a dependency circle. These **forms of violence also put women's health at risk and weaken their potentiality to participate in family and public life**.

Stereotyped roles perpetuate all practices of violence and coercion -such as family violence and abuse, forced marriage, dowry deaths, acid attacks and female circumcision⁶ maintaining women in subordinate roles, impeding equality in marriage, family and social relations, and prolonging low levels of political participation, education, skills and work opportunities. As a result, women continue to be discriminated in their socialization, and **women in abusive situations experience discrimination to a greater extent**.⁷ Special

⁴ In its response to a questionnaire of the Inter-american Commission of Human -rights, Chile reported that in 2004, a total of 236,417 cases of intrafamily violence were reported, yet only 14,149 (5.9%) were ever formally investigated. About 92% of the cases were closed after the first hearing. Furthermore, since the entry in force of Law 19.325 to address intrafamily violence since 1994, the complaints of intrafamily violence have risen by 8-10%.

⁵ General recommendations made by the Committee on the Elimination of Discrimination against Women, No. 19 (11th session, 1992)

⁶ Ibid.

⁷ In a report on Gender Disparity and Mental Health, the World Health Organization stated that "Gender specific risk factors for common mental disorders that disproportionately affect women include gender based violence, socioeconomic disadvantage, low income and income inequality, low or subordinate social status and rank and unremitting responsibility for the care of others". In http://www.who.int/mental_health/media/en/242.pdf

reports by the Commission's Rapporteurship on the Rights of Women have drawn the connection between violence and discrimination.⁸ **It is not enough challenging social concepts about women's role in society, which make them the primary caregivers and homemakers** while excluding them from public spheres such as the workplace, education and politics. **"Structural intervention is needed to undo entrenched and institutionalised gender hierarchy"** so as to introduce transformation in basic social realms such as justice, politics, family and marketplace. The IACHR has recognized that **de jure equality** alone will not be sufficient to achieve gender equality. "Practices that generate and perpetuate women's position of inferiority in society have to be undone".⁹

Along with special measures to protect abused women, **interventions to eliminate gender hierarchy rooted in social structure contribute to ensure the eradication of naturalized and accepted violence.** Special measures can compensate for the domination of women and afford them an added advantage towards equality in the distribution of resources and opportunities. Assistance to abused women must include a gender approach that can respond to their special needs. Among those needs, **it is vital to address to recognition of women's unpaid work, children care and safety, and adequate income and employment for women.** In the struggle against gender violence, strategies to reconcile paid and unpaid work play a significant role by redistributing responsibilities of paid, unpaid and care work, and empowering women in many levels.

The execution of regulation, taxation and social service provision, as well as cultural change through campaigns, educational programmes and state interventions demand further research and scientific work with a gender approach. As paradoxical as it may sound, **there will be not neutral figures as long as they do not include a gender approach.** For the time being, indicators need to work on their historically gender bias aspect, which is to exclude women experience, social and economic contribution, veiling and perpetuating violence and discrimination as a result.

⁸ The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of Belém do Pará") makes clear that "violence against women is a manifestation of the historically unequal power relations between men and women. Violence based on gender originates in and perpetuates those negative power imbalances. As the Beijing Declaration and Platform for Action adopted by the UN Fourth World Conference on Women sets forth, such violence "is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men."

⁹ Inter-American Commission on Human Rights, Access to Justice for Women Victims of Violence in the Americas, January 2007.

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